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HUMAN RIGHTS QUESTIONS

Letter dated 7 July 1994 from the Permanent Representative of the Russian Federation addressed to the Secretary-General

In accordance with General Assembly resolution 48/155 of 20 December 1993, I have the honour to transmit information on the incompatibility of Latvia's Law on citizenship with the norms of international law (see annex).

I should be grateful if you would arrange for the text of this letter and of its annex to be circulated as an official document of the General Assembly under item 104 of the preliminary list.

(Signed) Y. VORONTSOV

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ANNEX

Information on the incompatibility of Latvia's Law on citizenship with the norms of international law

The Law on citizenship of the Republic of Latvia is a document whose purpose is to legitimize the idea of establishing a mono-ethnic State in Latvia.

Each State decides, in accordance with its own laws, who its citizens are. These laws, however, are recognized by other States in so far as they are compatible with the generally recognized and other applicable norms of international law, and with the general principles of law regarding citizenship. In this connection, it is possible to agree with virtually all the comments on the draft law which were made by the experts of the Conference on Security and Cooperation in Europe (CSCE) and of the Council of Europe, and with the concerns they expressed.

The attempt to take an idea which, in view of the current ethnic composition of the country's population, is politically short-sighted, and fit it into the fairly narrow framework of legal standards naturally gave rise to a number of conflicts between the Law and, on the one hand, the generally recognized principles of law, and, on the other hand, the specialized norms regulating questions of citizenship.

Further to the considerations stated earlier, the Russian side believes that it is worth drawing attention to the most serious of those points.

1. The provisions of the Law, in the aggregate, contradict the general principle of the right of every person to a nationality which is laid down, in particular, in article 15 of the Universal Declaration of Human Rights. Essentially hundreds of thousands of people who settled in the Republic of Latvia after 17 June 1940 are being denied the right to citizenship.

2. There is a violation of the general principle providing for the obligation to ensure that persons living in a given territory do not become stateless in the event that sovereignty over that territory passes from one State to another.

3. There is a violation of the general principle of non-discrimination.

Taken together, the provisions of articles 11 (in particular, paragraph 5), 12 (in particular, paragraphs 2 and 4), 13 (paragraph 6), 14 and 20 in the context of the existing ethnographical situation in Latvia are actually directed against that part of its population which considers its native tongue to be Russian and consists of emigrants from Russia and their descendants. This contravenes the principle of non-discrimination, particularly on grounds of ethnic origin or country of origin.

Article 14 of the Law establishes such a long-drawn-out naturalization procedure based on quotas that the right to acquire citizenship is denied to virtually all people belonging to that part of the population which has reached retirement age.

4. International standards in respect of citizenship for children are also disregarded. According to article 24, paragraph 3, of the International Covenant on Civil and Political Rights of 1966, "Every child has the right to acquire a nationality", and article 7, paragraph 2, of the 1989 Convention on the Rights of the Child places particular emphasis on the need for compliance by States with the above-mentioned international standards, in particular where "the child would otherwise be stateless".

However, article 3 of the Law in question rigorously links the acquisition of citizenship by minors to the citizenship of their parents, and in so doing, apart from the limitations to the right to acquire citizenship through naturalization set forth in article 11 it increases the already numerous ranks of stateless persons in the Russian-speaking population.

As the group of experts of the Council of Europe has correctly noted in its commentary on the draft of the Law under consideration, in accordance with minimum international standards "a child, who at birth is a person without citizenship, has the right to acquire the citizenship of the country in which he lives, regardless of any naturalization quotas whatsoever, if he meets the requirements for naturalization".

On the whole, the fundamental legislation thus far drawn up by Latvian policy makers significantly limits the political and socio-economic rights of non-citizens, who account for more than one third of the Republic's population. Non-citizens (the majority of whom are Russians) do not have the right to engage in political activities or to form political parties or organizations and are not allowed to take part in elections either to the Saeima or to other local government bodies. The non-indigenous population is being eliminated from all possible State institutions, since the legislation stipulates that only citizens have the right to own land and immovable property, to set up joint-stock companies, to enjoy the use of land and obtain other advantages for the construction of individual homes. Social pensions for non-citizens are 10 per cent lower than those for citizens. Only citizens have the right to acquire firearms for purposes of self-defence. Non-citizens may not exercise the right of free choice of domicile in Latvia, or the freedom to leave Latvia and return there, and are deprived of the right to the reunification of families.

In these circumstances, the Russian-speaking population of Latvia is becoming an easy target for radical nationalist bureaucrats performing arbitrary and lawless acts with the secret but, in fact, direct connivance of the political leadership. Although the Cabinet of Ministers sometimes criticizes the actions of the Department of Citizenship and Immigration, in reality that institution continues to play the role of "national bully", ignoring even the decisions of Latvian courts, a point mentioned by the international experts. This situation is causing many serious problems and even tragedies among the non-indigenous population.